

Creation lots  
without public  
Street Frontage

S U N N Y V A L E

ATTACHMENT E

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## VARIANCE JUSTIFICATIONS

Justifications must be submitted by the applicant with all Variance applications. Use this sheet or a separate sheet of paper to complete all of the three statements below.

In granting a Variance, all of the following justifications must be made by the Planning Commission or the Administrative Hearing Officer:

19.84.050. Findings.

(a) A Variance from the requirements of this title, except for the height of a ground sign, shall be approved only upon a showing by the applicant that:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

A strict application of the ordinance would require that all streets in the project area be public streets. Making all of the streets public would significantly affect the ability of the property owners to control access to the project site. Lockheed Martin has security requirements which demand that they have the ability to limit access on roadways within their property lines for national security reasons. The private roads are consistent with Lockheed Martin's Controlled Access Perimeter permitted under its Site Master Use Permit granted by the City. Further, as a condition of the Subdivision application, Lockheed Martin has offered 11th Avenue and/or the portion of H Street between 11th Avenue and Moffett Park Drive for public dedication upon the sale of the proposed Parcel 1.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

The roads within the project will be constructed to City of Sunnyvale standards and maintained by Lockheed Martin or by a property manager pursuant to CC&Rs. Public visiting the site will not notice any difference between the onsite private and other public roads in the City. Granting of this variance will not be detrimental to the public welfare or injurious to other adjacent property.

3. Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

The granting of this variance to allow private instead of public roads does not grant any special privilege to the development. This variance does not affect density or any other development criteria.

*If you need assistance in answering any of these justifications, contact the Planning Division staff at the One Stop Permit Center.*